

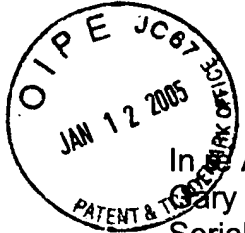
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AF/3731/\$

PATENT
Attorney Docket No. 101.0042-05000
Customer No. 22882

JPR



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:)	Confirmation No.: 7210
Barry Karlin Michelson)	
Serial No.: 10/098,683)	Group Art Unit: 3731
Filed: March 15, 2002)	Examiner: Uyen Ho
For: SPINAL IMPLANT CONTAINING)	
BONE MORPHOGENETIC)	
PROTEIN)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ED543093215US

Date of Deposit: January 11, 2005

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. 1.97(d) (\$180 IDS fee to be charged to Deposit Account No. 50-1066)
2. Form PTO-1449
3. Four (4) documents
4. Self-addressed return postcard receipt

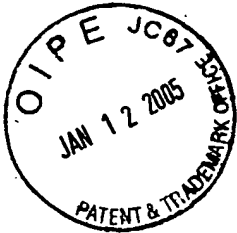
are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Alexandria, VA 22313-1450

Date: January 11, 2005


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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after a Final Action and is accompanied by the required fee of \$180.00 (to be charged to Deposit Account No. 50-1066) and a certification as specified under § 1.97(e). Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Each document listed in this Information Disclosure Statement was cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed documents are attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

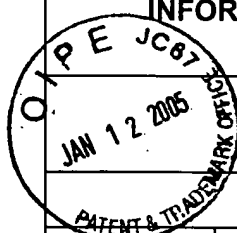
MARTIN & FERRARO, LLP

Date: January 11, 2005

By: 
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Substitute for FORM PTO-1449		Attorney Docket Number 101.0042-05000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Applicant Gary Karlin Michelson	Application Number 10/098,683	
		Filing Date March 15, 2002	Group Art Unit 3731	Examiner Uyen Ho

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
0 356 112	2/1990	Europe			N/A
0 421 485	2/1987	Europe			N/A
WO 93/10725	6/1993	WIPO			N/A

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

European Search Report dated November 18, 2004 of European Application No. 04 02 5695.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.